SUPREME COURT, U.S.

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JUN 28 1954
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1954

No. 173

AMALGAMATED CLOTHING WORKERS OF AMERICA and CLEVELAND JOINT BOARD OF THE AMALGAMATED CLOTHING WORKERS OF AMERICA,

Petitioners,

v.

THE RICHMAN BROTHERS COMPANY,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Opinions Below

The District Court's findings of fact and conclusions of law on the denial of petitioners' prayer for a preliminary injunction appear in the Record at page 135a. The District Court's opinion on the denial of petitioners' motion for a stay pending disposition of the prayer for a preliminary injunction appears in

the Record at page 143a,[1] the opinion has not been officially reported.

The opinion of the Court of Appeals is reported at 211 F. 2nd 449.

Jurisdiction

The judgment of the Court of Appeals was entered on March 30, 1954 (R. 151a). The jurisdiction of this Court to review that judgment is based upon 28 U. S. C. (Supp. V) 1254(1).

Question Presented

When an employer seeks to enjoin union conduct in a state court which lacks jurisdiction because the conduct complained of is subject to the exclusive jurisdiction of the National Labor Relations Board (*Garner* v. *Teamsters Union*, 346 U. S. 485), is a federal District Court, on application of the union, powerless to enjoin the employer from further pursuing such action and attempting to obtain and enforce a state court injunction?[2]

[1] References to the Record hereafter appear as "R. ".

[2] Both the District Court and the Court of Appeals, confining themselves to a consideration of the impact of section 2283 of the Judicial Code, 28 U. S. C. (Supp. V) 2283, concluded that the District Court was without power to enjoin the state court proceedings. The Court of Appeals observed, however, that there is a collateral question "whether, under the facts as alleged in the Richman petition in the state court, Richman's grievance against the union is within the exclusive jurisdiction of the National Labor Relations Board, so that the State court is without jurisdiction to entertain it." (211 F. 2nd at 450). As hereinafter indicated, the rule in *Garner* v. *Teamsters Union*, 346 U. S. 485, requires an affirmative answer. See *infra*, pp. 6-9.

Statute Involved

Section 2283 of the Judicial Code (28 U. S. C. (Supp. V) 2283) provides as follows:

> "A court of the United States may not grant an injunction to stay proceedings in a state court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments."

Statement

Petitioners herein, both unincorporated associations, are labor organizations—the Amalgamated Clothing Workers of America and the Amalgamated's Cleveland Joint Board, a regional grouping of constituent locals of the parent union (R. 5a-6a). (Petitioners are hereinafter referred to as "Amalgamated".) Respondent, The Richman Brothers Company (hereinafter referred to to as "Richman"), is an Ohio corporation which manufactures men's clothing in Ohio and Kentucky and sells such clothing at retail in its self-owned stores located in sixteen states (R. 4a).

The instant case arose out of Amalgamated's attempt to organize Richman's manufacturing employees. As a part of this campaign Amalgamated sought to inform the consuming public of the fact that Richman's products are non-union through the media of press, radio, meetings, sound-trucks and leaflets, and, starting in March 1951, through pickets bearing signs at Richman's retail outlets.

On October 18, 1952, Richman instituted an action in the Ohio Court of Common Pleas of Cuyahoga County seeking an injunction restraining Amalgamated from picketing Richman's own retail outlets in all sixteen states including Ohio. It was the gist of Richman's petition in the state court that Amalgamated was "engaged . . . in carrying forward a conspiracy to cause economic pressure to be directed against plaintiff with the intention and for the purpose and objective of thereby causing plaintiff to force sufficient of its eligible employees to become members of defendant Amalgamated, so that defendant Amalgamated may become the representative of its such employees for the purpose of collective bargaining with plaintiff, regardless of the desires of a majority thereof" (R. 8a). The petition was limited solely to a request for injunctive relief.

Amalgamated removed Richman's suit to the United States District Court for the Northern District of Ohio on the ground that the allegations on which Richman's state court action was based constituted charges of unfair labor practices by Amalgamated within the meaning of the National Labor Relations Act (61 Stat. 136, 29 U. S. C. (Supp. V) 151, *et seq.*).

Richman moved to remand the case to the state court. On January 7, 1953 District Judge McNamee remanded the case. Judge McNamee held that, even assuming Richman's petition stated an unfair labor practice within the meaning of the National Labor Relations Act, such a charge was outside the original jurisdiction of the District Court (R. 75a).

Petitioners subsequently moved the state court to dismiss Richman's action on the ground that the ac-

tion was exclusively within the purview of the National Labor Relations Board and that the state court was therefore without jurisdiction. This motion was denied (R. 123a).

Thereafter, petitioners promptly instituted the present proceeding in the federal District Court, asking that court to enjoin Richman from further prosecution of its state court action on the ground that Richman's petition complained of matters within the exclusive jurisdiction of the National Labor Relations Board and that the state court was therefore without jurisdiction (R. 124a).

The District Court denied Amalgamated's application for a stay of the state court proceeding pending disposition of Amalgamated's prayer for a preliminary injunction (R. 131a). The court, in an oral opinion delivered on the denial of the stay, held that it was without power to grant the injunctive relief requested by virtue of the provisions of Section 2283 of the Judicial Code. Judge McNamee restated this view in findings of fact and conclusions of law filed the next day in conjunction with the court's order denying the motion for a preliminary injunction (R. 135a).

Immediately following Judge McNamee's order, hearings were initiated in the state court leading to the issuance by that court of a sweeping temporary injunction—still in effect—prohibiting Amalgamated from picketing Richman's retail stores in each of the sixteen states in which the stores are located.

From Judge McNamee's order denying a temporary injunction Amalgamated appealed to the Court of

Appeals for the Sixth Circuit. The Court of Appeals affirmed the conclusion of the District Court that Section 2283 deprived the District Court of power to grant the requested injunctive relief (R. 151a, 153a).

The opinion and the order of affirmance were filed on March 30, 1954 (R. 151a-152a). It is to review this order of affirmance that petitioners herein request this Court to issue its writ of certiorari.

Specification of Errors to Be Urged

The Court of Appeals erred in:

(1) Failing to hold that the state court was without jurisdiction;

(2) Holding that the District Court was without power to enjoin respondent from pursuing its state court action;

(3) Affirming the District Court's denial of the temporary injunction sought by petitioners.

Reasons for Granting the Writ

I

As heretofore noted the Court of Appeals expressly by-passed a determination of the impact of *Garner* v. *Teamsters Union*, 346 U. S. 485, on the instant case, by limiting its consideration to the effect of Section 2283. (See p. 2, note 2, *supra*.) Petitioners submit that application of the *Garner* rule to the instant facts requires the conclusion that Richman "could have presented this grievance to the National

Labor Relations Board", and that, therefore, "the grievance was not subject to litigation in the tribunals of the State" (345 U. S. at 501).

In *Garner*, the Court considered the validity of a state court injunction against organizational picketing of the premises of an employer engaged in interstate commerce where the purpose of the picketing —indistinguishable from the purpose alleged by Richman in the instant case[3]—was to "coerce [the employer] into compelling or influencing . . . employees to join the Union" (346 U. S. at 487). Without attempting to pass definitive judgment on the facts there alleged or the legal consequences flowing therefrom, the Court concluded that allegations of such a character appeared to raise questions under the National Labor Relations Act, wherein Congress had "forbidden labor unions to exert certain types of coercion on employees through the medium of the employer" (346 U. S. at 488-489).[4] The Court found

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[3] The purpose alleged is one which petitioners must and do accept for purposes of testing the state court's jurisdiction, but it is without foundation in fact. Amalgamated's picketing was part of a campaign of peaceful persuasion—apprising the public of Richman's non-union status and urging the public to refrain from purchasing Richman's products. The late Senator Taft stated unequivocally that such union conduct does not violate the National Labor Relations Act. 93 Cong. Rec. A3370 (80th Cong., 1st Sess., 1947).

[4] In the *Garner* opinion, this Court emphasized the view that the alleged coercion might be regarded as an unfair practice charge against the union under Section 8 (b) (2) of the Act, which provides:

> "It shall be an unfair labor practice for a labor organization or its agents . . . (2) to cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a) (3) of this section or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues

that the Congressional scheme embodied in the National Labor Relations Act envisaged disposition of such matters, in the first instance, by the NLRB and by no other tribunal: Whether the picketing complained of was unlawful, or whether it was of a character which Congress sought to leave "free . . . of restraint" (346 U. S. at 499),[3] was a matter re-

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and the initiation fees uniformly required as a condition of acquiring or retaining membership" (29 U. S. C. (Supp. V) 158(b)(2)).

Subsection (a)(3) of Section 8 provides:

"It shall be an unfair labor practice for an employer . . . (3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization . . ." (29 U. S. C. (Supp. V) 158(a)(3)).

Coercion of the character here alleged might also be viewed as a violation of Section 8(b)(1) of the Act—direct restraint by a labor organization upon the exercise of employee rights protected by Section 7. Section 8(b)(1)(A) provides that:

"It shall be an unfair labor practice for a labor organization or its agents . . . (1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in Section 7 . . ." (29 U. S. C. (Supp. V) 158(b)(1)(A)).

Section 7 in turn reads:

"Employees shall have the right to self organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 8(a)(3)" (29 U. S. C. (Supp. V) 157).

See Capital Service v. *NLRB*, 204 F. 2nd 848, 852-853 (C. A. 9, 1953), *affirmed*, 74 S. Ct. 699; *Direct Transit Lines* v. *Local Union No. 106*, 199 F. 2nd 89, 90 (C. A. 6, 1952).

[3] This Court did not, in the *Garner* opinion, have occasion to explore the differences between conduct expressly protected by Section 7 and conduct which, while neither protected by Section 7 nor proscribed by Section 8, is nevertheless within the area preempted by the National Labor Relations Act and therefore closed to the states.

specting which the "power and duty of primary decision lies with the Board . . ." (346 U. S. at 489).

Since "respondents were subject to being summoned before that body to justify their conduct . . . the grievance was not subject to litigation in the tribunals of the State" (346 U. S. at 501).[6]

II

The issue confronting this Court on the instant record is essentially one of remedy: assuming juris-

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[6] The Court of Appeals expressly found that, "There is no suggestion in the Richman petition that violence or threats accompanied the union picketing" (211 F. 2nd at 451). Judge McNamee, in the court of first instance, had observed that, "There is no allegation of fraud or violence in connection with the picketing and it is not fairly to be inferred that the picketing is other than peaceful" (R. 77a). In view of these clear statements by both the courts below, little weight can be attached to the Court of Appeals' reference to Richman's "allegation of sporadic picketing demonstrations by as many as twenty pickets" and the court's abbreviated speculation "whether this allegation suggests an area of state authority" (211 F. 2nd at 451). Such an allegation, balanced against these concurrent findings that the picketing in question was not alleged to be other than peaceful, cannot rise to the dignity of activity which was subject to state power because it "threatened a probable breach of the state's peace or would call for extraordinary police measures by state or city authority" (*Garner* v. *Teamsters Union*, 346 U. S. 485, 488).

Even assuming "sporadic picketing . . . by . . . twenty pickets" were subject to state authority, this of course would not warrant state judicial interference with other conduct exclusively reserved to the National Labor Relations Board. This precise distinction was very recently drawn by the New Jersey Supreme Court in *Busch & Sons* v. *Retail Union of N. J., Local 108*, 15 N. J. 226. There the court upheld an injunction against disorderly but—on the authority of *Garner*—reversed a subsequent injunction against all picketing where such picketing was alleged, *inter alia*, to be designed to force "the plaintiff, in violation of the Taft-Hartley Law, to coerce its employees to join the union".

diction over the subject matter is in the National Labor Relations Board to the exclusion of the courts of Ohio, is a District Court, on application of petitioners, powerless to restrain Richman from pursuing a state court action and securing a state court decree which invades the exclusive domain of the National Labor Relations Board and wrongfully restrains petitioners? The problem posed is one of power to act, not of jurisdiction. The District Court's jurisdiction arises under 28 U. S. C. (Supp. V) 1337, conferring original jurisdiction over civil actions arising under laws regulating commerce (*Capital Service* v. *NLRB*, 74 S. Ct. 699; *AFL* v. *Watson*, 327 U. S. 582, 591). (See also the "all writs" section, 28 U. S. C. (Supp. V) 1651(a).)

It is submitted that the decision of the Court of Appeals holding the District Court powerless to restrain maintenance of the state court action (1) is in probable conflict with the applicable decisions of this Court and inferior federal courts, and (2) poses a serious threat to the uniform administration of an integrated federal labor policy throughout the United States.

(1) Probable Conflict with Applicable Decisions

(a) *Section 2283 is inapplicable.*

Legally and philosophically, Section 2283 has been and should continue to be understood as playing no role whatsoever in a situation in which, by hypothesis, federal jurisdiction over a given subject matter is exclusive and consequently the exercise of state power is invalid.

Section 2283 is the 1948 revision of Section 265 of the Judicial Code.[7] Section 265 on its face barred all injunctions against state court proceedings with the single exception of "cases where such injunction may be authorized by any law relating to proceedings in bankruptcy". Notwithstanding the apparent breadth of this language, federal courts through the years recognized that the statutory provision did not operate in many important areas of federal-state conflict. See *Toucey* v. *N. Y. Life Ins. Co.*, 314 U. S. 118.[8] The key to interpretation of Section 265 was this Court's recognition that "it is intended to give effect to a familiar rule of comity and like that rule is limited in its field of operation. Within that field it tends to prevent unseemly interference with the orderly disposal of litigation in the state courts and is salutary; but to carry it beyond that field would materially hamper the federal courts in the discharge of duties otherwise plainly cast upon them by the Constitution and the laws of Congress, which of course is not contemplated" (*Wells Fargo & Co.* v. *Taylor*, 254 U. S. 175, 183). Rules of comity are designed to minimize friction between competing sovereignties which have concurrent jurisdiction. A statutory rule of comity like this "is designed to be in accord with, and not antagonistic to, our dual system of courts". *Ibid.* See *Moore, Commentary on the*

[7] Section 265 (codified as 28 U. S. C. 379) in turn derived from earlier statutory formulations, the first of which was 1 Stat. 335 ("... nor shall a writ of injunction be granted to stay proceedings in any court of a state"). The history of Section 265 and its predecessors is explored at some length in the opinions in *Toucey* v. *N. Y. Life Ins. Co.*, 314 U. S. 118.

[8] The *Toucey* decision extended the scope of Section 265's ban on injunctions against state court proceedings. As the Revisor's Note observes, however, Section 2283 "restores the basic law as generally understood and interpreted prior to the *Toucey* decision" (1 U. S. Code (Supp. V) p. 1767).

United States Judicial Code (1949) p. 407. Where, as in the instant case, only the federal system has authority, considerations of comity and statutory provisions like Section 2283 embodying those considerations have no application.

This proposition is clearly set forth in this Court's decision in *Bowles* v. *Willingham*, 321 U. S. 503. There the problem was whether the District Court had power to enjoin prosecution of an action in the Georgia state courts to restrain certain allegedly unconstitutional orders of the OPA Administrator. The Supreme Court found two independent bases for the challenged power: One was language in the Price Control Act held to be a *pro tanto* repeal of Section 265. The second rested on the fact that Congress had established a special Emergency Court of Appeals to adjudicate all attempts to restrain orders of the Administrator. Thus the Court expressly held:

> "Congress thus preempted jurisdiction in favor of the Emergency Court to the exclusion of state courts. The rule expressed in Sec. 265 which is designed to avoid collisions between state and federal authorities (*Toucey* v. *N. Y. Life Ins. Co., supra*) thus does not come into play" (321 U. S. at 511).

This Court has not had occasion squarely to decide whether the quoted holding in *Bowles* v. *Willingham* governs Section 2283—whether, in other words, Section 2283, like Section 265, is inapplicable in cases of exclusive federal jurisdiction.[9] The logic of the

[9] *See Capital Service* v. *NLRB*, 74 S. Ct. 699 (May 17, 1954) discussed *infra*, p. 14, in which this Court held that a District Court could enjoin enforcement of a state court injunction invading the N. L. R. B.'s jurisdiction, on the ground that

statutory provision, together with the close substantive identity between Section 2283 and its predecessor,[10] argues strongly for the same construction.

(b) *Alternatively, an express exception to Section 2283 permits the issuance of the requested injunction.*

For the reasons stated, petitioners submit that Section 2283 is wholly inapplicable to a case involving state court invasion of exclusive federal jurisdiction. Alternatively, however, it is submitted that, if applicable, the provision does not govern the instant case because of an express statutory exception. Section 2283 excepts from its limitation on federal equity power situations in which a District Court issues injunctions "necessary in aid of its jurisdiction".

The "jurisdiction" which federal courts can protect consistently with Section 2283 has been interpreted to comprehend the federal jurisdiction generally. Thus Judge Bondy pointed out in *NLRB* v. *N. Y. State Labor Relations Board*, 106 F. Supp. 749, 752 (S. D. N. Y. 1952), that Section 2283 "does not prevent the federal courts from restraining interference by the state courts with jurisdiction vested exclusively in the federal courts . . . or in a federal agency".

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the District Court in that instance was acting "in aid of its jurisdiction" within the meaning of that express exception to Section 2283. This Court, by way of footnote, there observed that, "In view of our ruling, we find it unnecessary to consider whether apart from the specific exceptions contained in 2283, the District Court was justified in enjoining this intrusion on an exclusive federal jurisdiction. *Cf. Bowles* v. *Willingham*, 321 U. S. 503, 510-511" (74 S. Ct. at 702, n. 2).

[10] See note 8, *supra*.

Turning to the instant case, it is clear that here as "[i]n the *Garner* case, Congress had provided a federal administrative remedy, supplemented by judicial procedure for its enforcement, with which the state injunctive procedure conflicted". *United Construction Workers* v. *Laburnum*, 22 U. S. L. Week 4289, 4291 (U. S., June 7, 1954). Under Judge Bondy's rationale, which petitioners submit is a correct one, it would appear appropriate for a District Court to enjoin state court interference with operations of a federal agency for which it has no direct responsibility. It would seem all the more appropriate for a District Court to act "in aid of its jurisdiction" where, as with the operations of the NLRB, the District Court has been granted concrete and affirmative jurisdiction to assist a federal agency in the effectuation of a statutory mandate. (See the authority conferred on the District Court by Sections 10(j) and 10(l) of the National Labor Relations Act.)

Illustrative of the power of the District Court to act "in aid of its jurisdiction" in order to protect federal labor policy, as exercised by the federal Board and the federal courts, against state interference, is *Capital Service* v. *NLRB*, 74 S. Ct. 699.

In that case a union, attempting to organize the employees of a manufacturer of bakery products, sought to enlist the aid of purchasers and consumers of the bakery and picketed those retail stores which refused to discontinue handling the bakery products. The bakery thereupon initiated a state court injunction proceeding and also filed charges of unfair labor practices with the National Labor Relations Board. The state court thereupon issued a preliminary in-

junction against the union banning all picketing of the retail stores. The National Labor Relations Board, however, deeming the union appeal to customers to be lawful under the National Labor Relations Act, issued a complaint limited to that part of the union's activities which induced or encouraged employees of employers other than the bakery to refuse to perform services at the picketed stores. The Board thereupon petitioned the federal District Court for an injunction restraining such conduct of the union pending final adjudication of the complaint by the Board. At the same time the Board petitioned the District Court to enjoin the bakery from enforcing the state court injunction. The requested injunction staying the state court proceeding was granted by the District Court and upheld by the Court of Appeals for the Ninth Circuit. This Court, which handed down its opinion in *Capital Service* on May 17, 1954, some six weeks after the decision of the Court of Appeals for the Sixth Circuit in the instant case, concluded "that the injunction issued by the District Court was 'necessary in aid of its jurisdiction' and thus permitted under the exceptions specifically allowed by Congress" (74 S. Ct. at 702). There, as here, the appropriate federal procedures for inquiry into and restraint of alleged unfair labor practices could not be freely and fully exercised unless the federal District Court could "first remove the state decree" (74 S. Ct. at 703).

No valid distinction can be made, as suggested by the Court of Appeals in the opinion below, between the instant case and cases like *Capital Service* and *NLRB* v. *N. Y. State Labor Relations Board*, where the jurisdiction of the federal Board had been invoked and the Board sought to restrain the state

court action. A distinction of this kind would sterilize the *Capital Service* rule, since employers hereafter would immunize themselves from District Court restraint upon invalid state decrees by avoiding the filing of charges with the single appropriate tribunal —the NLRB. Moreover, the fact that the jurisdiction of the Board, which cannot initiate charges on its own motion, has not yet been invoked, does not mean that the state court has any transient jurisdiction pending the invocation of the Board's processes. *Garner* itself is authority for the proposition that the state court is without jurisdiction *ab initio* without respect to the pendency of proceedings before the Board, and it is authority for the further proposition that the union enjoined by the state court has standing to complain of the state court's violation of the federal domain. Thus, there would appear to be no policy reason for distinguishing between the challenge of a federal agency and the challenge of a labor union to state court usurpation of power.

(2) The Impact of the Decision Below

The decision below, if allowed to stand undisturbed will mean that the route followed in *Garner*—appeal through the state courts and certiorari in this Court—would be the only procedural method open to a union to assert its federal right to be free of state court restraints upon activity exclusively regulated by the National Labor Relations Act.[11]

[11] There is a suggestion in the opinion of the Court of Appeals that petitioners might have been able to force an NLRB determination of the propriety of petitioners' concerted activity —notwithstanding respondent's unwillingness to take its charges before that clearly appropriate tribunal—by charging respondent with an unfair practice in seeking a state court restraint on

Such a limitation would, in substance, insulate invalid state court restraints from immediate assertion of the superior federal right and would undermine the federal government's exclusive authority over labor policy affecting interstate commerce. This Court's careful demarcation of the area in which state courts are to be permitted to act would be obscured. Moreover, since unions must on pain of contempt obey injunctions issued by courts wholly lacking in jurisdiction (*United States* v. *United Mine Workers*, 330 U. S. 258, 293-295), it is of paramount importance that unions be able to make prompt and effective challenge to state labor injunctions which, notwithstanding their illegality, can irrevocably alter the outcome of a controversy.

Beyond the problem of injury done to a union deprived of prompt redress, there is the fact that

legitimate organizational activity. The Court of Appeals' suggestion is based on the Board's conclusion in *W. T. Carter & Bros.*, 90 NLRB 2020, 2024, that an employer is guilty of an unfair practice in securing injunctions "in bad faith". According to *Carter*, "bad faith" invocation of judicial remedies by employers means that they resort "to court for the purpose of preventing their employees from exercising their rights under the Act, rather than for the purpose of advancing any legitimate interest of their own". *Ibid.* Petitioners submit that relief from an invalid state injunction cannot be made to turn upon prior proof of a proposition which in the nature of things could only be the subject of testimonial demonstration in the rarest of circumstances—*i. e.*, that the injunction complained of was secured for bad motives. (For a recent refusal of the NLRB to entertain unfair practice charges against the securing of a state court restraint, absent a showing of "bad faith", see *Administration Decision of the General Counsel*, Case No. 918, April 15, 1954). It is the injunction, not the employer's underlying motive, which usurps federal authority and thereby injures the union. Moreover, it should be noted that even the narrow *Carter* rule has application only where the state court decree interferes with union activity *protected* by the National Labor Relations Act. It can have no application where the union activity complained of is *proscribed* by the Act.

the decision of the Court of Appeals in the instant case encourages endless multiplicity of interpretation and enforcement of federal labor policy by state tribunals wholly without jurisdiction over the subject matter. In case after case, if prompt intervention by District Courts is barred, state courts wholly unacquainted with the National Labor Relations Act will be asked to make profoundly important and intricate determinations as to whether conduct is "prohibited", "protected", or "unregulated".

Finally, at a time when state court injunctions are again being issued with alarming frequency, this Court will be confronted with the dilemma of either constantly adjudicating issues which, by hypothesis, should have been tried out before the National Labor Relations Board or of denying certiorari and thus depriving working-men of the effective exercise of fundamental federal rights.

CONCLUSION

For the foregoing reasons, petitioners urge this Court to issue its writ of certiorari to review the judgment below.

Respectfully submitted,

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